

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Norbert Steven Parsoneault, et al.) Group Art Unit: 3682
Application No: 10/815,130) Examiner: Krause, Justin Mitchell
Filed: March 31, 2004) Confirmation No.: 9169
Title: FLUID DYNAMIC BEARING SPINDLE MOTOR

MAIL STOP = APPEAL BRIEF - PATENTS

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO THE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

Appellant received a Notification of Non-Compliant Appeal Brief (“Notification”), mail dated January 17, 2008. According to the Notification, Appellant’s Brief filed on December 28, 2007 is allegedly defective for failure to comply with one or more provisions of 37 CFR 41.37. Specifically, box number 5 is checked, indicating that, “The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).”

Although Applicant respectfully disagrees that the Appeal Brief is non-compliant for the alleged reason, (*see, e.g.*, page 3 of the Appeal Brief on which the patentability issue regarding claims 1-14, 21 and 22 is concisely stated as being presented for review), Applicant nevertheless respectfully submits a substitute Appeal Brief containing an amended “Grounds of Rejection to Be Reviewed on Appeal” section on page 3. This section now lists each of the 35 U.S.C. § 103(a) rejections that the Examiner alleged in the final Office Action, mail date March 29, 2007, and which form the basis of the instant appeal.

In light of at least the amended substitute Appeal Brief submitted, Applicant respectfully requests that this basis for non-compliance be withdrawn.

No other amendments have been made to the Appeal Brief other than those described

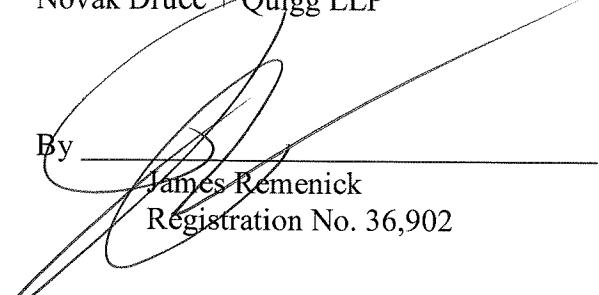
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Attorney Docket No.: 8209.053.NPUS00; SEA/3350

above.

If there are any fees due with the filing of this reply, including any fees for an extension of time, Applicant respectfully requests that extension and also requests that any and all fees due be charged to Deposit Account No. 14-1437, referencing Attorney Docket No. SEA/3350.

Respectfully submitted,
Novak Druce + Quigg LLP

By _____


James Remenick
Registration No. 36,902

Date: February 19, 2008

Attached: Substitute Appeal Brief

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